

AMENDED IN ASSEMBLY MAY 6, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1653

Introduced by Assembly Member Garcia

February 11, 2014

An act to amend Section 11495.15 of, and to add Section 11495.20 to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1653, as amended, Garcia. CalWORKs: victims of domestic violence.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families block grant program, and state and county funds. Existing law authorizes a county to excuse a participant from the welfare-to-work requirements for good cause if the person is a victim of domestic violence and participation would be detrimental to or unfairly penalize the individual or his or her family. Existing law also authorizes each county to waive a program requirement at any time for a recipient who is a past or present victim of abuse, as specified.

This bill would require the State Department of Social Services to establish a standard, statewide notice to inform all CalWORKs applicants and recipients that victims of domestic violence have a right to request a waiver of program requirements. The bill would also require the county to waive, for applicants or recipients, program requirements

if the county determines that good cause to waive those requirements exists, as specified. The bill would also require counties to use the standard, statewide notice, or an approved county notice, to inform all CalWORKs applicants and recipients of their rights and how to secure a waiver. By increasing the duties of county human services agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) In enacting this act, the Legislature
2 recognizes that some individuals who are in need of public
3 assistance are, or have been, victims of abuse.

4 (b) It is the intent of the Legislature to ensure that victims of
5 abuse and recipients who are past or present victims of abuse are
6 not placed at further risk or unfairly penalized by program
7 requirements or procedures.

8 (c) The Legislature intends that, in implementing this act, a
9 standard, statewide notice to CalWORKs applicants and recipients
10 will be established, informing them of rights for domestic violence
11 victims and survivors and instructing them how to secure these
12 rights, as well as referrals for counseling services.

13 SEC. 2. Section 11495.15 of the Welfare and Institutions Code
14 is amended to read:

15 11495.15. A county shall waive a program requirement for a
16 recipient who has been identified as a past or present victim of
17 abuse when it has been determined that good cause exists pursuant
18 to paragraph (2) of subdivision (f) of Section 11320.3. Waivers
19 shall be reevaluated in conjunction with the annual and semiannual
20 determinations of eligibility completed by the county.

21 SEC. 3. Section 11495.20 is added to the Welfare and
22 Institutions Code, to read:

1 11495.20. (a) The department, in consultation with county
2 human services agencies, domestic violence and CalWORKs
3 advocates, and CalWORKs caseworkers, shall develop a standard,
4 statewide notice to inform all CalWORKs applicants and recipients
5 that victims of domestic violence have a right to request a waiver
6 of program requirements. The notice shall include all of the
7 following:

8 (1) Examples of the types of program requirements that may be
9 waived.

10 (2) Space for county-specific instructions for securing a waiver
11 and a domestic violence service plan.

12 (3) Space for *a list of* county domestic abuse resources, such as
13 local hotlines, domestic violence counseling agencies, and mental
14 health services.

15 (4) A statement addressing the scope of confidentiality.

16 (5) A definition of abuse, and other general information
17 regarding abuse, such as safety planning.

18 (6) Information about how to receive county assistance in
19 tailoring welfare-to-work plans to meet the needs of victims who
20 do not have a waiver of the welfare-to-work requirements.

21 (7) A description of the remedies that are available for immigrant
22 domestic violence survivors.

23 (b) A county shall inform all CalWORKs applicants and
24 recipients that a victim of domestic violence has the right to request
25 a waiver of program requirements, using the statewide notice
26 described in this section or a county notice that has been approved
27 by the department. The county shall give the notice, orally and in
28 writing, when a person applies for CalWORKs and during the
29 welfare-to-work planning process. ~~The county shall also give the~~
30 ~~notice, in writing process,~~ when the county redetermines eligibility
31 or sends a notice of action for a sanction resulting from failure to
32 participate in a program requirement, and whenever an applicant
33 or recipient voluntarily discloses that he or she is a victim of abuse.
34 The county shall retain, in a person's case file, proof that the county
35 provided the person with this notice.

36 (c) The department shall not approve a county's notice unless
37 the notice contains, at a minimum, all of the information described
38 in this section.

39 (d) An applicant or recipient shall not be required to disclose
40 his or her status, or the status of another member of the assistance

1 unit, as a victim ~~or~~ of domestic violence in order to be eligible for
2 aid. If the recipient of a notice fails to immediately disclose abuse,
3 the county shall not use this fact as an independent basis to find
4 that the recipient is not credible or treat his or her subsequent
5 request for a domestic violence waiver with prejudice.
6 SEC. 4. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.